

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA    )  
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GIRMA TILAHUN                    )

Criminal No. 16-10224-DJC

**SUPPLEMENTAL SENTENCING MEMORANDUM**

Defendant Girma Tilahun submits this supplemental memorandum to bring to the court's attention a December 5, 2016 study by the Economic Policy Institute<sup>1</sup> that strongly supports Mr. Tilahun's argument that imposing a jail sentence would be devastating to his ability to obtain comparable employment upon release which, in turn, would impact his ability to make the payments called for in his civil settlement with the IRS and HUD. The study, "Still Falling Short On Hours and Pay, Part-Time Work Becoming the New Normal," is attached as Exhibit 1 and is available online at <http://www.epi.org/files/pdf/114028.pdf>.

The study documents a structural and seemingly permanent shift toward more intensive use of part-time employment that makes full-time employment exceedingly difficult to find and forces workers to accept part-time jobs. Key findings of the Study include:

- The share of persons working part-time involuntarily remains at recessionary levels notwithstanding the improvement in the general economy and increase in annual average hours worked;
- Data from 2007 to 2015 show that involuntary part-time work is increasing almost five times faster than part-time work and about 18 times faster than all work;

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<sup>1</sup> The Economic Policy Institute is a nonprofit, nonpartisan think tank created in 1986 to address the needs of low and middle-income workers in economic policy discussions.

- The current elevated level of part-time work, and involuntary part-time work in particular, is no longer cyclical and does not reflect a delayed or slowing economy;
- The problem is worse for low and middle wage earners;
- Part-time workers work roughly half as many hours per week as full-time workers;
- The biggest disadvantages to involuntary part-time work are lower pay rates and benefit coverage; and
- The service occupations contribute the most to involuntary part-time work.

*Id.* at 2-4.

Black and other non-white workers have been hardest hit by the structural shift toward involuntary part-time work. *Id.* at 4. (“Hispanics and Blacks are relatively much more likely to be involuntarily part-time than whites”).

On top of the structural shift to part-time work documented in the Study, Blacks who are also convicted felons (and convicted felons of all races) have a more difficult time finding employment of any kind. *See* “Ex Offenders and the Labor Market,” Center for Economic and Policy Research, November 2010, available at <http://cepr.net/documents/publications/ex-offenders-2010-11.pdf> (“An extensive body of research has established that a felony conviction or time in prison makes individuals significantly less employable. It is not simply that individuals who commit crimes are less likely to work in the first place, but rather, that felony convictions or time in prison act independently to lower the employment prospects of ex-offenders”).

Mr. Tilahun has a secure more than full-time job and earns a good wage that will permit him to make meaningful payments toward the total amounts he is obligated by the civil settlement to pay. The Study suggests that his prospects of finding that kind of employment after

release from a jail sentence are exceedingly poor. He is a black, low-wage worker whose only job experience has been in the service industry. He is also 61 years old and will not be able to work forever. As an involuntary part-time worker, necessary expenses such as rent<sup>2</sup> and health care would eat up his income and would leave little or nothing available to make payments to the IRS and HUD.

For these additional reasons, the court should impose a probationary sentence that would permit Mr. Tilahun to keep his current job and have the best chance of satisfying the terms of the civil settlement.

GIRMA TILAHUN

By his attorney,

/s/ *E. Peter Parker*

E. Peter Parker

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#### Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on December 12, 2016.

/s/ *E. Peter Parker*

E. Peter Parker

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<sup>2</sup> The civil settlement agreement with HUD bars Mr. Tilahun from applying for subsidized housing forever. *See* Plea Agreement at ¶ 4, p. 5.